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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

v.

RUSSELL J. SHAH, MD, DIPTI R. SHAH,
MD, RUSSELL J. SHAH, MD, LTD., DIPTI
R. SHAH, MD, LTD., and RADAR
MEDICAL GROUP, LLP dba UNIVERSITY
URGENT CARE, DOES 1-100, and ROES
101-200,

Defendants.

AND RELATED CLAIMS

CASE NO. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR ALL
PARTIES TO RESPOND TO PARTIES'
MOTIONS FOR SUMMARY JUDGMENT
FILED 12/16/22**

(Fourth Request)
(Present due date is March 3, 2023)

1 Plaintiffs/Counter-defendants ALLSTATE INSURANCE COMPANY, ALLSTATE
 2 PROPERTY & CASUALTY INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY,
 3 and ALLSTATE FIRE & CASUALTY INSURANCE COMPANY (collectively, the “Allstate
 4 Parties”), and Defendants and Counterclaimant RUSSELL J. SHAH, M.D. (“Dr. Russell Shah”),
 5 DIPTI R. SHAH M.D. (“Dr. Dipti Shah”), RUSSELL J. SHAH, MD, LTD. (“Russell PC”), DIPTI
 6 R. SHAH, MD, LTD. (“Dipti PC”), and RADAR MEDICAL GROUP, LLP (“Radar”) (collectively,
 7 the “Radar Parties”), by and through their respective counsel of record, hereby stipulate and agree
 8 as follows:

9 1. On December 16, 2022, Radar filed its detailed Motion for Summary Judgment
 10 Regarding Allstate’s Failure to File an Answer to the Amended Counterclaims [ECF No. 457]
 11 (“Radar MSJ No. 1”).

12 2. On December 16, 2022, the Allstate Parties filed their detailed Motion for Summary
 13 Judgment as to both counterclaims alleged by Radar in this matter [ECF No. 458] (“Allstate MSJ”).

14 3. On December 16, 2022, the Radar Parties filed their Motion for Summary Judgment
 15 on Allstate’s Causes of Action in its First Amended Complaint [ECF Nos. 460, 461] (“Radar MSJ
 16 No. 2”).¹ It is an extensive, detailed motion covering 50 pages of points and authorities,² along with
 17 35 volumes of exhibits [ECF Nos. 462-496] gleaned from the extensive discovery that took place in
 18 this matter.

19 4. The initial deadline for the parties to file their respective Responses to Radar MSJ
 20 Nos. 1 and 2 and the Allstate MSJ (collectively, the “Motions”) was January 6, 2023.

21 5. Due to scheduling conflicts for respective counsel for the Allstate Parties (Todd W.
 22 Baxter) and the Radar Parties (Joshua P. Gilmore) and the holidays, and in light of the critical
 23 importance of the Motions, the parties filed a Stipulation for an extension of time to file their
 24 Responses to the Motions [ECF No. 499], and the Court entered an Order granting their Stipulation
 25 and extending the time to file the Responses to February 6, 2023 [ECF No. 500].

26 _____
 27 ¹ ECF No. 460 was publicly-filed and ECF No. 461 was filed under seal.

28 ² Pursuant to the Court’s December 16, 2022 Minute Order [ECF No. 456], the Radar Parties
 were granted leave to file an oversized brief that did not exceed 50 pages.

1 6. Due to additional scheduling conflicts for respective counsel for the Allstate Parties
2 (Todd W. Baxter) and the Radar Parties (Joshua P. Gilmore) and in light of the critical importance
3 of the Motions, the parties filed a second Stipulation for an extension of time to file their Responses
4 to the Motions [ECF No. 501], and the Court entered an Order granting their Stipulation and
5 extending the time to file the Responses to February 21, 2023 [ECF No. 502].

6 7. Due to an unexpected medical issue for counsel for the Allstate Parties alongside
7 involvement in a trial in Tulare County Superior Court in Visalia, California, the parties filed a third
8 Stipulation for an extension of time to file their Responses to the Motions [ECF No. 503], and the
9 Court entered an Order granting their Stipulation and extending the time to file the Responses to
10 March 3, 2023 [ECF No. 504].

11 8. Counsel for the Allstate Parties became ill starting on Friday, February 24, 2023, and
12 it reasonably appears that he will miss a significant part of this week in the office due to the illness.
13 This is the main reason herein for the request to extend the time to file the Responses to the Motions
14 for an additional week, to March 10, 2023.

15 9. Although counsel for the Allstate Parties and the Radar Parties have been diligently
16 working on the Responses, additional time is needed due to the issues presented by the Motions and
17 unanticipated illness as detailed above.

18 10. In light of the amount of time that was initially granted to the parties to file their
19 respective Motions after the close of discovery, the critical importance of these Motions, the
20 extensive size of Radar MSJ No. 2, the work schedule of counsel for the parties, the recent illness
21 of the Allstate Parties' counsel, and in order to ensure that the parties have an adequate opportunity
22 to address the Motions, the parties hereby stipulate and agree (i) that the Allstate Parties shall now
23 have until March 10, 2023, to file their Responses to Radar MSJ Nos. 1 and 2 and (ii) Radar shall
24 now have until March 10, 2023, to file its Response to the Allstate MSJ.

11. This is the fourth stipulation for an extension of time to file Responses to the Motions. This stipulation is made in good faith and not to delay the proceedings.

IT IS SO STIPULATED.

Dated: February 27, 2023.

Dated: February 27, 2023

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

BAILEY KENNEDY

By: /s/ Todd W. Baxter

By: /s/ Joshua P. Gilmore

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ORDER

IT IS SO ORDERED.

DATED this 28th day of February, 2023.


UNITED STATES DISTRICT JUDGE